

REMARKS

Claims 2, 3, 6-9, 11-13, 15, 23-25, 56-64, 66, 68-72, 74-80, 82-84, 86, 87, 89-91 and 93 remain in the present application for the Examiner's review and consideration. Claims 1, 4-5, 10, 14, 16-20, 21-22, 26-34, 35-55, 65, 67, 73, 81, 88 and 92 were previously canceled. Claims 15 and 85 are canceled herewith. Claim 15 is canceled because it is the same as claim 11. Claim 85 is canceled in response to the Examiner's objection under 37 C.F.R. § 1.75(c).

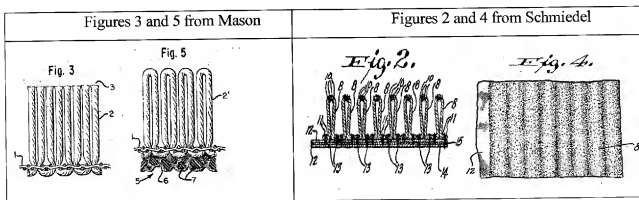
The courtesy extended by Examiner Matthew D. Matzek to inventor Dimitri Zafiroglu, attorney of record H.T. Than (Reg. No. 38,632), and attorney Padma Shah (Reg. No. 54,437) during the interview on February 19, 2009 is greatly appreciated. As noted in the Interview Summary, an Agreement with respect to the claims was reached during that interview; the "Examiner stated that he was in agreement with Applicant as to the structural differences between the applied art and that which is claimed and would consider indicating the instant claims allowable following a formal set of arguments in the next amendment." This Agreement with respect to the claims is greatly appreciated, and the Applicant includes the substance of the interview in the above amendment and following remarks.

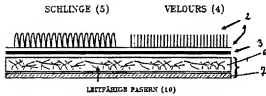
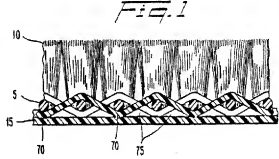
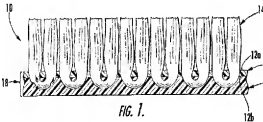
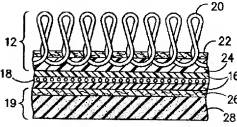
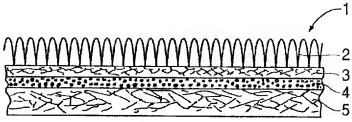
All the claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art. Claims 64 and 91 are rejected as being unpatentable over Mason (US 2,748,446). Claims 23, 56, 58, 59, 61, 66, 68-70, 78, 82, 84, 85, 89 and 93 are rejected as being unpatentable over Mason as applied to claims 64 and 91, and further in view of Schmiedel (US 1,798,277). Claims 2, 3, 6, 7, 63, 79, 80, 83, 86, 87 and 90 are rejected as being unpatentable over Mason in view of Schmiedel as applied to claims 56, 58 and 59 above, and further in view of Sissons (US 3,347,736). Claims 8, 11, 12, 15, 57, 60, 62, 74, 76 and 77 are rejected as being unpatentable over Mason in view of Schmiedel as applied to claims 56, 58 and 59, and further in view of Zafiroglu *et al.* (US 6,269,759). Claims 71, 72 and 75 are rejected as being unpatentable over Mason in view of Schmiedel and Zafiroglu *et al.* as applied claim 57 above, and further in view of Sissons. Claims 9 and 13 are rejected as being unpatentable over Mason in view of Schmiedel and Zafiroglu *et al.* as applied to claims 8 and 12, and further in view of Murata *et al.* (US 4,576,840). Claims 24 and 25 are rejected as being unpatentable over Mason in view of Schmiedel as applied to claim 56 above, and further in view of Allison *et al.* (US 2003/0099810). Hence, Mason forms the basis or the principal basis of all the claim rejections.

Claims 56, 57, 58, 59, 64 and 91 are the independent claims. The Examiner notes that

"Mason discloses a hooked rug wherein the pile or tufts are punched, stitched or hooked into a woven fabric backing (col. 1, lines 15-22)." A person having ordinary skill in the art would readily understand that such structures cannot be equated to needle-punched structures (*e.g.*, as recited in independent claims 64 and 56) or a gathered fabric, such as for example stitch-bonded and bulked structures (*e.g.*, as recited in independent claim 57 and dependent claim 8). Punching, stitching, or hooking, as disclosed in Mason, involve pushing whole yarns into a fabric, once, one at a time, whereas needle-punching involves pushing a large number of individual fibers, simultaneously. By way of example, the Mason reference notes, at col. 3, ln. 34, that yarns can be punched, whereas art of record US 4,389,443 to Thomas notes that fibers can be needle-punched. Similarly, by way of example, the Schmiedel reference illustrates a stitched structure, *e.g.*, FIG. 2, whereas FIGS. 14-17 of the present application and US 6,269,759 to Zafiroglu illustrate a stitch-bonded structure. Mason and Schmiedel also don't disclose a knit or woven fabric, as recited in independent claim 58, or cut, sanded, sheared or brushed woven or knit as recited in independent claims 59 and 91. For all the reasons above, Mason and Schmiedel, which form the basis or principal basis of all the claim rejections, do not anticipate or render obvious any of the independent claims.

The combination of Mason and Schmiedel, which is used to reject most of the pending claims, is cumulative to the prior art of record as illustrated by the following Figures from Mason and Schmiedel as well as Lateur (EP 0547533), Fink (US 6,051,300), Allison, Keith (US 2003/0232171), and Justesen (US 5,902,663), which were cited in previous Office Actions.



<p style="text-align: center;">Top Figure of Ladeur</p> 	<p style="text-align: center;">Figure 1 of Fink</p> 
<p style="text-align: center;">Figure 1 of Allison</p>  <p style="text-align: center;">FIG. 1.</p>	<p style="text-align: center;">Figure 1A of Keith</p>  <p style="text-align: center;">FIG. -1A-</p>
<p style="text-align: center;">Figure 1 of Justesen</p>  <p style="text-align: center;">FIG. 1</p>	

Thus, the above illustrations demonstrate that the pile structures disclosed in Mason and Schmiedel are cumulative, because they are similar to the structures disclosed in the previously cited art including, at least, Fink, Allison, Keith, Justesen, and especially Ladeur, all of which were distinguished from the current claims. Consequently, the pending claims are patentable over the combination of Mason and Schmiedel.

The lengthy prosecution history of this application includes eight Office Actions, three

interviews, and seventy-one individual searches by the Examiner. The Applicant has overcome all the pile references cited by the Examiner. Of particular note, the Applicant filed, on October 1, 2007, an Amendment wherein he implemented, in good faith, all the suggestions, which Supervisory Patent Examiner Morris and Examiner Matzek made during the interview on July 31, 2007 to overcome the above-mentioned Ladeur reference. See the Interview Summary of July 31, 2007. The distinctions between the prior art and the present invention, as acknowledged by the Examiners, were noted in the Amendment on pages 10 and 11:

The kind courtesy extended by Supervisory Primary Examiner (SPE) Morris and Examiner Matzek to Applicant and his attorney during the interview on July 31, 2007, is greatly appreciated. Three suggestions were made the Examiners during the interview and summarized in the Interview Summary:

- i. reword the claims to define the structure from one surface to the other surface,
- ii. for claims reciting at least three layers including a backing layer, such as former dependent claims 22 and similar former dependent claims, such as claims 73, 81 and 88, the bonding between some of the legs (or piles) and the backing layer distinguishes this structure from the known art, in which the piles form the uppermost surface and would not be bonded to the backing, and
- iii. for claims reciting at least two layers, such as independent claim 56 as well as independent claims 57, 58 and 69, the subject matters of dependent claims 64 and 65 (*i.e.*, the adhesive layer penetrates from about $\frac{1}{4}$ to $\frac{3}{4}$ into the fibrous face layer) is important to distinguish over the known art; however, SPE Morris indicated that he recalls possible other two-layer structure composites. Also SPE Morris invited Applicant to provide comments/arguments to distinguish U.S. 4,389,443 to Thomas et al, albeit the '443 may not be the only two-layer structure that may eventually be uncovered by additional searches.

These suggestions are greatly appreciated and the Applicant has implemented all the suggestions as summarized below.

In view of the Amendment dated October 1, 2007, the Examiner withdrew the rejections based on Ladeur, and pile carpet technology.

Despite the Applicant's diligent efforts, the last three Office Actions, which were mailed subsequent to the Amendment of October 1, 2007, have not cited any new or non-cumulative references. As noted above, the current Office Action has cited cumulative art, *i.e.*, Mason and Schmiedel. Moreover, the prior two Office Actions (mailed on December 7, 2007 and May 29, 2008) principally cited US 4,888,228 to Sidles, which was cited in the very first Office Action mailed on March 28, 2005. Thus, Applicant respectfully submits that thorough and exhaustive searches and examinations were ably conducted. Accordingly no further search is warranted, especially given the fact that the amendments made in this response are merely the cancelation of claims 15 and 85 and the correction of an inadvertent typographical error in claim 56.

As noted above, the Agreement with respect to the claims is greatly appreciated.

In view of the formal arguments presented above, Applicant believes that the presently pending

claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if the Examiner believes that such a call would materially advance the prosecution and eventual allowance of the present application.

It is not believed that any fees are required with the submission of this response. However, if any fees are due, the Commissioner may charge appropriate fees to The H.T. Than Law Group, Deposit Account No. 50-1980, and if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

Respectfully submitted,

Date March 9, 2009

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